

REMARKS

Introductory Remarks

Claims 37-47 are currently pending in the application, of which claims 37, 43, and 48 are independent claims.

In view of the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §103

Claims 37-39, 42-45, 48-50, and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Joseph. Applicant respectfully traverses this rejection and requests reconsideration.

Applicants respectfully traverse this rejection and requests reconsideration for at least the reason that Joseph is disqualified as prior art under 35 U.S.C. §103(c), which provides that “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Applicant respectfully submits that Joseph is available as prior art only under 35 U.S.C. §102(e), and as such is disqualified as prior art under 35 U.S.C. §103(c) due to their common ownership at the time the invention in the present application was made. Applicant provides a statement of common ownership as permitted by MPEP 706.02(l).

Statement of Common Ownership

The present application and U.S. Patent 6,689,470 to Joseph, were at the time the invention in the present application was made, owned by Touchstone Research Laboratory, Ltd.

Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §103(a) as being unpatentable over Joseph.

Claims 41, 47, and 53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Joseph in view of Kuzurman. Applicant respectfully traverses this rejection and requests reconsideration. As discussed above, Applicant submits that Joseph is disqualified as prior art under 35 U.S.C. § 103(c). Kuzurman does not disclose or teach “carbon foam” and “a carbide reactively bonded to the open-cell carbon foam” as required by dependant claims 41 and 47, and “a metallic carbide reaction bonded to the porous coal-base structure” as required by dependant claim 53. Accordingly, Kuzurman fails to disclose or teach these missing limitations. Since Joseph is disqualified as prior art under 35 U.S.C. § 103(c) and Kuzurman does not disclose or teach all the limitations of claims 41, 47, and 53, Applicant respectfully submits that claims 41, 47, and 53 are not obvious over the combination of Joseph in view of Kuzurman.

Claims 40, 46, and 51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Joseph in view of Googin. Applicant respectfully traverses this rejection and requests reconsideration. As discussed above, Applicant submits that Joseph is disqualified as prior art under 35 U.S.C. § 103(c). Further, Applicant submits that Googin does not disclose or teach “carbon foam” and “a carbide reactively bonded to the open-cell carbon foam” as required by

dependant claims 40 and 46, and "a metallic carbide reaction bonded to the porous coal-base structure" as required by dependant claim 51. Accordingly, Googin fails to disclose or teach these missing limitations. Since Joseph is disqualified as prior art under 35 U.S.C. § 103(c) and Googin fails to disclose all the limitations of claims 40, 46, and 51, Applicant respectfully submits that claims 40, 46, and 51 are not obvious of the combination of Joseph in view of Googin.

Extension of Time

A Petition for a three (3)-month extension of time under 37 C.F.R. §1.136(a) is filed herewith. It is not believed that any further extensions of time are required other than those in the accompanying Petition. If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a). Applicants believe that no further fees for net addition of claims are required at this time. Applicants submit a fee in the amount of \$525 for the three month extension of time fee. Any further fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to our Deposit Account No. 503310.

Conclusion

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Should the Examiner feel that there are any issues outstanding

Darren K. ROGERS, *et al.*
Application No.: 10/810,844
Reply to Office Action dated: December 13, 2007

after consideration of this Reply, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Respectfully submitted,



Philip D. Lane
Reg. No. 41,140

Date: June 7, 2008

Philip D. Lane
P.O. Box 79318
Charlotte, NC 28271-7063
Tel: 704-301-5007
Fax: 704-843-2318